

REXBURG, WEDNESDAY, JUNE 14, 2023, AT 8:50A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	
)	
v.)	Docket No. 49255
)	
AUDREY ROSE MONROE,)	
)	
Defendant-Appellant.)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho, Bingham County. Darren B. Simpson, District Judge.

Eric Don Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This case concerns the district court's denial of the defendant's request for a lesser included jury instructions at her trial for battery on a police officer or sheriff. While a passenger in an unrelated traffic stop, Audrey Monroe was recognized by a Bingham County Sheriff's deputy as having an outstanding warrant. The deputy asked Monroe to exit the vehicle and attempted to take Monroe into custody. While securing handcuffs on Monroe, the deputy instructed Monroe to release her phone, which was secured on Monroe's finger by a phone ring holder. Monroe refused, telling the deputy he could not have her phone. Monroe continued to resist, and the arrest escalated. Monroe fell to the ground, began kicking, and was restrained face down. Monroe refused many requests from the deputy. Another deputy eventually arrived and aided in taking Monroe into custody. For her conduct during the arrest, Monroe was charged with battery on a police officer or sheriff, a felony under Idaho Code section 18-915(3). During trial, Monroe asked the district court for two jury instructions regarding two asserted lesser offenses: (1) misdemeanor battery upon a police officer by touching and (2) misdemeanor resisting or obstructing. The district court declined to give either instruction. At the conclusion of the trial, the jury found Monroe guilty. The district court sentenced Monroe to five years in prison, with two years fixed and three years indeterminate, to be served consecutively with her sentence for her probation violation. Monroe timely appealed. On appeal to the Idaho Supreme Court, Monroe argues that the district court committed reversible error in failing to give the requested lesser included jury instructions.